



# CITY COUNCIL

## AGENDA REQUEST

AGENDA OF:	12-17-13	AGENDA REQUEST NO:	III-A
INITIATED BY:	MARK N. DONOHUE PLANNER II	RESPONSIBLE DEPARTMENT:	PLANNING & CODE SERVICES
PRESENTED BY:	MARK N. DONOHUE <i>MND</i> PLANNER II	DIRECTOR:	DOUGLAS SCHOMBURG DIR. OF PLANNING & CODE SERVICES <i>D.S.</i>
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	REZONING FROM RESTRICTED INDUSTRIAL (M-1) DISTRICT TO GENERAL BUSINESS (B-2) DISTRICT FOR APPROXIMATELY 7.69 ACRES LOCATED ON THE EAST SIDE OF ELDRIDGE ROAD, SOUTH OF JESS PIRTLE BOULEVARD AND NORTH OF LAURA MORRISON DRIVE SECOND READING OF ORDINANCE 1941 CONSIDERATION AND ACTION		
EXHIBITS:	VICINITY MAP, AERIAL MAP, STAFF REPORT, LAND USES, SITE PHOTOGRAPHS, ORDINANCE No. 1941		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH RIEDE, <i>M.R.</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>J.C.</i>
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve Ordinance No. 1941 on Second Reading.			

## EXECUTIVE SUMMARY

This is a City-initiated rezoning for approximately 7.69 acres on Eldridge Road from Restricted Industrial (M-1) district to General Business (B-2) district. The properties consist of nine tracts of land located on the east side of Eldridge Road, south of Jess Pirtle Boulevard and north of Laura Morrison Drive (approximately 600 feet north of Seventh Street).

During recent City Council discussions regarding “sensitive land uses” (i.e. pawn shops, check cashing, payday loans, auto title loans, and tattoo parlors), a Councilmember made a request to Planning staff to investigate the opportunity for a City initiated rezoning for several properties on Eldridge Rd. With many of the sensitive land uses being permitted in the M-1 zoning district, the Councilmember expressed concerns for the proximity between M-1 zoned properties and residentially zoned properties. The area along Eldridge Rd south of Jess Pirtle Boulevard and north of Laura Morrison Drive was of particular concern. As a result, staff has initiated this rezoning from M-1 to B-2.

The parcels to be rezoned on Eldridge Road consist of the following land uses:

- (1) 1050 Eldridge Road – Shell gas station located on approximately .68 acres.
- (2) 1030 Eldridge Road – Firestone Complete Auto Care located on approximately .73 acres.
- (3) 1020 Eldridge Road – Pizza Hut and Wing Street located on approximately .40 acres.
- (4) 1000 Eldridge Road – Wells Fargo Bank located on approximately .62 acres.
- (5) 960 Eldridge Road – First Tire and Automotive located on approximately .57 acres.
- (6) “Commercial Reserve D” – a portion of land consisting of .066 acres of land designated as a “reciprocal easement”.
- (7) “Commercial Reserve D” – a portion of undeveloped land consisting of .36 acres located in the Brown and Belknap League, Abstract 15.
- (8) “Tract D Sugar Land Business Park Southwest Detention Pond” - .28 acres, more or less, out of a 1.6199 acre tract of land.
- (9) 888 Eldridge Road – Public Storage located on approximately 3.99 acres

The proposed zone change to B-2 will be a continuation of, and consistent with, the existing B-2 zoning district along the east side of Eldridge Road, north of Jess Pirtle Boulevard and will provide for an orderly transition from B-2 zoning to Business Office (B-O) zoning, immediately adjacent to the south of 888 Eldridge Road. The B-2 zoning district permits a number of uses by right, ranging from restaurant and office uses to shopping centers and personal services, such as barber and beauty shops. Additionally, the B-2 zoning district restricts and/or prohibits “sensitive land uses.” The proposed zone change will not affect the existing land uses currently operating on the sites. However, if the automotive repair shops and the public self-storage facility were to require additional square footage in the future, a conditional use permit would have to be granted by City Council.

The Planning and Zoning Commission held a public hearing on October 8, 2013. No speakers addressed the Commission during the hearing, and the Commission did not express any concerns regarding the proposed rezone. On October 24, 2013 the Planning and Zoning Commission unanimously recommended that the Mayor and City Council approve the rezoning from Restricted Industrial (M-1) to General Business (B-2). The Planning & Code Services Department also recommends approval of Ordinance No. 1941.

Some points for Council’s consideration are as follows:

- Staff received a request by City Council to examine a rezoning of these properties for consistency with the surrounding land uses and properties
- The rezoning is not anticipated to negatively impact existing infrastructure.
- Goal F (Great Neighborhoods), Objective Six within the Sugar Land Comprehensive Plan encourages maintaining quality neighborhoods through buffering of adjacent non-residential land uses. Approval of

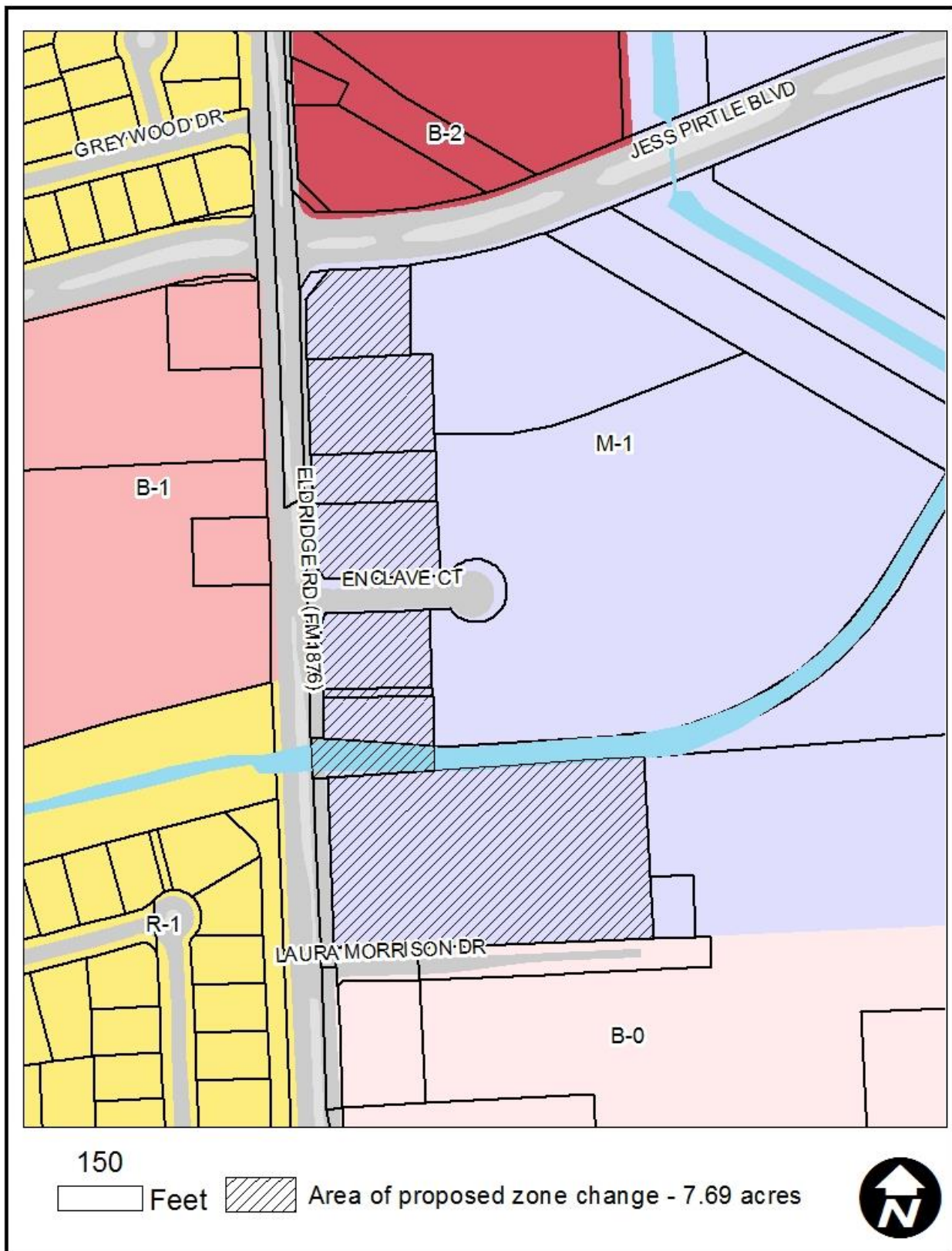
this rezoning request to commercial would eliminate any light industrial type uses as well as “sensitive land uses” such as pawn shops, check cashing, payday loans, auto title loans, and tattoo parlors within close proximity to residential.

- The City of Sugar Land’s Major Thoroughfare plan depicts Eldridge Road as State Highway, which is designed to handle larger amounts of traffic. Staff believes this thoroughfare is adequately designed to accommodate the amount of vehicular traffic commonly associated with retail uses that are permitted within the General Business (B-2) district.
- The majority of the sites within the area proposed for rezoning are developed. The proposed zone change will provide for an orderly transition from B-2 zoning to Business Office (B-O) zoning.

Document No. P0017341; Planning Case No. 13 21000009

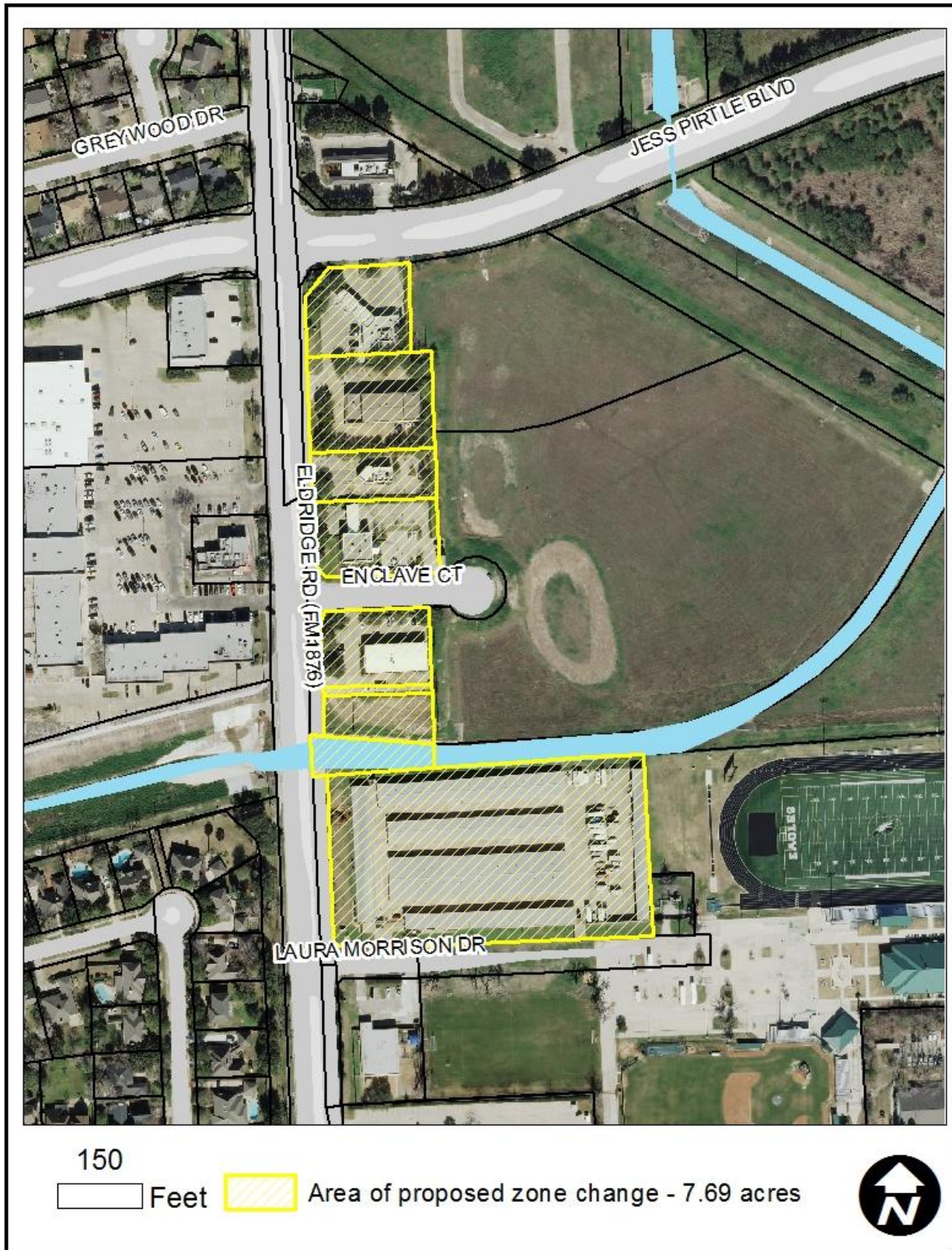
#### EXHIBITS

Vicinity Map:





Aerial Map:



## **Staff Report:**

### **PLANNING AND ZONING COMMISSION REVIEW:**

The Commission reviewed and held a public hearing on the proposed rezoning on October 8, 2013. No members of the public spoke during the hearing. A member of the Commission inquired as to whether the area to the east of the cul-de-sac was included within the city initiated zone change. The parcels to the east of the cul-de-sac, Enclave Court, are owned by the City of Sugar Land and are currently used for detention pond purposes. The parcels of land, consisting of Tract A (2.9 acres) and Tract B (10.2 acres) are part of the Sugar Land Business Park Southwest Detention Pond Final Plat which was recorded in September of 1999. These parcels are not included within the city initiated rezoning request.

### **GENERAL SITE INFORMATION**

<b>Surrounding Property Zoning</b>	<b>North: General Business (B-2)</b> <b>South: Business Office (B-O)</b> <b>East: Restricted Industrial (M-1)</b> <b>West: Neighborhood Business (B-1) and</b> <b>Standard Single-Family Residential (R-1)</b>
<b>Surrounding Land Use</b>	<b>North: Across Jess Pirtle Blvd.: Sonic Restaurant</b> <b>South: Across Laura Morrisson Dr.: La Petite Academy</b> <b>East: Vacant land (City of Sugar Land), Fort Bend</b> <b>Christian Academy</b> <b>West: Across Eldridge Rd.: Shopping center and Single-family residences</b>

### **ANALYSIS**

#### **Case Overview**

This is a City-initiated rezoning for approximately 7.69 acres on Eldridge Road from Restricted Industrial (M-1) district to General Business (B-2) district. The properties are generally located on the east side of Eldridge Road, south of Jess Pirtle Boulevard and approximately 600 feet north of Seventh Street.

The General Business district allows the development of a variety of general commercial uses including wholesale sales and services with restrictions. Limited outdoor storage and display of merchandise is permitted in this district as an Accessory Use to the principal use.

The City of Sugar Land Major Thoroughfare Plan designates Eldridge Road as a State Highway, which is designed to handle larger amounts of traffic. The B-2 district is dependent on high traffic volumes and locations along or adjacent to arterial streets, and thus, is appropriate for the development of most shopping centers. Staff finds the proposed rezoning should not have an adverse or negative impact on the surround land uses and existing infrastructure.

During the review of a rezoning case in Texas, it is important to note state law does not allow for conditions to be placed on zoning which limit use, with the exception of customized zoning districts, such as a Planned Development zoning request. The City of Sugar Land's Future Land Use Plan (FLUP) designates the area of the proposed zone change as light industrial. However, it is important to note the FLUP is not meant to be interpreted on a parcel by parcel basis. According to Chapter 6 of Sugar Land's Comprehensive Plan, light industrial uses include mixed use office space and research and

testing, both of which are permitted by right within the B-2 district. In this case, all allowable uses in the B-2 zoning district would be permitted by right in the future if the rezoning is approved. The proposed rezoning would fulfill City Council's direction to Staff to remove the last remaining portion of M-1 zoning along Eldridge Road.

### **Land Use**

Rezoning these parcels from M-1 to B-2 would eliminate any industrial type uses as well as "sensitive land uses" such as pawn shops, check cashing, payday loans, auto title loans, and tattoo parlors. The B-2 district permits a variety of general commercial uses including wholesale sales and services with restrictions. Limited outdoor storage and display of merchandise is permitted in this district as an Accessory Use to the principal use. The following is a partial list of the permitted uses in the district (based on SIC Codes):

#### **Retail:**

5411 Grocery Stores  
5441 Candy, Nut, and Confectionary Stores  
5461 Retail Bakeries  
5611 Men's and Boys' Clothing Stores  
5621 Women's Clothing Stores  
5942 Book Stores  
5943 Stationery Stores  
5944 Jewelry Stores  
5945 Hobby, Toy, and Game Shops

#### **Finance, Insurance, and Real Estate:**

6021-6029 Commercial Banks  
6035-6036 Savings Institutions  
6061-6062 Credit Unions  
6081-6082 Foreign Bank & Branches & Agencies  
6153-6159 Business Credit Institutions  
6162-6163 Mortgage Bankers and Brokers  
6211-6289 Security and Commodity Brokers

#### **Services:**

7221 Photographic Studios, Portrait  
7231 Beauty Shops  
7241 Barber Shop  
7251 Shoe Repair Shop and Shoeshine Parlors  
7291 Tax Return Preparation  
7311 Advertising Agencies

#### **Health Services:**

8011 Offices and Clinics of Medical Doctors  
8021 Offices and Clinics of Dentists  
8031 Offices of Osteopathic Physicians

## 8082 Home Health Care Laboratories

The following is a complete list of land uses requiring a conditional use permit within the General Business (B-2) zoning district (based on SIC Codes):

- 4221 – 4226 Public Warehousing and Storage
- 4911 Electric Services
- 5261 Retail Nurseries and Garden Stores
- 5511 New and Used Car Dealers
- 5521 Used Car Dealers
- 5541 Gasoline Service Stations
- 5551 Boat Dealers
- 5561 Recreational Vehicle Dealers
- 5571 Motorcycle Dealers
- 5599 Automotive Dealers, not elsewhere classified
- 70    Select Service Hotels
- 70    Limited Service Hotels
- 7032 – 7033 Camps and Recreational Vehicle Parks
- 7216 Dry Cleaning Plants
- 7514 Passenger Car Rental
- 7519 Utility Trailer and Recreational Vehicle Leasing
- 7521 Automobile Parking
- 7532 – 7539 Automotive Repair Shops
- 7542 – 7549 Automotive Services
- 7941 – 7948 Commercial Sports
- 8211 Elementary and Secondary Schools
- 99 – Heliport (non-classifiable establishment)



## Site Photographs

1050 Eldridge Road – Shell gas station located on approximately .68 acres.



1030 Eldridge Road – Firestone Complete Auto Care located on approximately .73 acres.



**Site Photographs continued**

1020 Eldridge Road – Pizza Hut and Wing Street located on approximately .40 acres.



1000 Eldridge Road – Wells Fargo Bank located on approximately .62 acres.





## **Site Photographs continued**

960 Eldridge Road – First Tire and Automotive located on approximately .57 acres.



“Commercial Reserve D” – a portion of land consisting of .066 acres of land designated as a “reciprocal easement” and a portion of undeveloped land consisting of .36 acres located in the Brown and Belknap League, Abstract 15.



**Site Photographs continued**

888 Eldridge Road – Public Storage located on approximately 3.99 acres



## **ORDINANCE NO. 1941**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM RESTRICTED INDUSTRIAL (M-1) DISTRICT TO GENERAL BUSINESS (B-2) DISTRICT FOR APPROXIMATELY 7.69 ACRES OF LAND LOCATED ON THE EAST SIDE OF ELDRIDGE ROAD, SOUTH OF JESS PIRTLE BOULEVARD AND NORTH OF LAURA MORRISON DRIVE.**

WHEREAS, the City of Sugar Land has requested that approximately 7.69 acres of land located within the City of Sugar Land (the "City") on the east side of Eldridge Road, south of Jess Pirtle Boulevard and north of Laura Morrison Drive, be rezoned from Restricted Industrial (M-1) District to General Business (B-2) District; and

WHEREAS, the City Planning and Zoning Commission forwarded its final report to the City Council, recommending approval of the rezoning request; and

WHEREAS, the City Planning and Zoning Commission and the City Council have each conducted in the time and manner and after notice required by law and applicable ordinances, a public hearing on such requested zoning change; and

WHEREAS the City Planning and Zoning Commission recommended granting such requested zoning change;

WHEREAS, the City Council finds that the zoning request complies with the City's comprehensive plan and now deems it appropriate to make such zoning change; NOW, THEREFORE:

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That the facts and recitations set forth in the preamble of the ordinance are hereby declared true and correct.

**Section 2.** That the zoning district classification of approximately 7.69 acres of land shown in Exhibit A and described in Exhibit B, attached to and incorporated into this ordinance by reference, is changed from Restricted Industrial zoning district classification (M-1) to General Business zoning district classification (B-2) under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

**Section 3.** That the City's official zoning map be amended to reflect this change in zoning district classification.



READ IN FULL on first consideration on \_\_\_\_\_, 2013.

APPROVED upon second consideration on \_\_\_\_\_, 2013.

\_\_\_\_\_  
James A. Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

*Meredith Reed*

Attachment: Exhibit A – Map of Property  
Exhibit B – Legal Description

**Exhibit A: Map of Property**



**Exhibit B: Legal Description for 7.69 acres**

Legal Description:

REZONING FROM RESTRICTED INDUSTRIAL DISTRICT (M-1) TO GENERAL BUSINESS DISTRICT (B-2) DISTRICT FOR 7.69 ACRES GENERALLY LOCATED ON THE EAST SIDE OF ELDRIDGE ROAD, SOUTH OF JESS PIRTLE DRIVE AND NORTH OF LAURA MORRISON DRIVE CONSISTING OF THE FOLLOWING NINE PARCELS:

1. Commercial Reserve "E" (0.68 acres) out of:  
A Partial Replat of Eldridge East  
FBCC Plat File No. 1172746 (October 7, 1987), Slide No. 00916  
FBCAD Reference No. 138080
2. Commercial Reserve "F" (0.73 acres) out of:  
A Partial Replat of Eldridge East  
FBCC Plat File No. 1172747 (May 11, 1998), Slide No. 00934  
FBCAD Reference No. 139812
3. Commercial Reserve "G" (0.40 acres) out of:  
Replat of Reserve "A" Eldridge East  
FBCC Plat File No. 1172748 (October 17, 1991), Slide No. 01150  
FBCAD Reference No. 159363
4. Commercial Reserve "H" (0.62 acres) out of:  
Second Replat of Reserve "A" Eldridge East  
FBCC Plat File No. 1171658 (April 21, 1995), Slide No. 1391B  
FBCAD Reference No. 192789
5. Commercial Reserve "C" (0.57 acres) out of:  
Eldridge East  
FBCC Plat File No. 1172745 (May 27, 1987), Slide No. 00902  
FBCAD Reference No. 137667
6. A portion of Commercial Reserve "D" designated as a "Reciprocal Easement" (0.066 acres) out of:  
Eldridge East  
FBCC Plat File No. 1172745 (May 27, 1987), Slide No. 00902  
FBCAD Reference No. 374811
7. A portion of Commercial Reserve "D" (0.36 acres) out of:  
Eldridge East  
FBCC Plat File No. 1172745 (May 27, 1987), Slide No. 00902  
FBCAD Reference No. 137668

8. Reserve "D" (0.28 acres more or less), out of a 1.6199 acre tract out of:  
Sugar Land Business Park Southwest Detention Pond  
FBCC Plat File No. 1176578 (September 29, 1998), Slide No. 1769A  
FBCAD Reference No. 228641
  
9. A portion of Commercial Reserve "A" (3.99 acres) out of an overall 13.99 acre tract out of:  
Sugar Land Business Park, Section 4A  
FBCC Plat File No. 1175469 (September 12, 1985), Slide No. 00799  
FBCAD Reference No. 130640